

**UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF TEXAS
AUSTIN DIVISION**

NATIONAL INFUSION CENTER
ASSOCIATION, *et al.*,

Plaintiffs,

—v—

ROBERT F. KENNEDY, JR., in his official
capacity as U.S. Secretary of Health & Human
Services, *et al.*,

Defendants.

Case No. 1:23-cv-00707-DAE

**CONSENT MOTION OF NATIONALLY RECOGNIZED HEALTHCARE AND
MEDICARE EXPERTS FOR LEAVE TO FILE BRIEF AS *AMICI CURIAE* IN
SUPPORT OF DEFENDANTS' CROSS-MOTION FOR SUMMARY JUDGMENT AND
IN OPPOSITION TO PLAINTIFFS' MOTIONS FOR SUMMARY JUDGMENT**

Movants Stuart Altman, PhD; Robert A. Berenson, MD; Donald Berwick, MD; David Blumenthal, MD; Francis J. Crosson, MD; Paul Ginsburg, PhD; Marilyn Moon, PhD; and Bruce Vladeck, PhD, through the undersigned counsel, respectfully move the Court for leave to file a brief as *amici curiae* in support of Defendants in the above-captioned matters. All parties consent to the filing of this *amicus* brief. A copy of the proposed brief is submitted herewith.

I. INTEREST OF MOVANTS

Movants are nationally recognized experts in healthcare, healthcare finance, and Medicare, who have led federal agencies and non-profit organizations dedicated to the effective administration of the Centers for Medicare & Medicaid Services (CMS). As experts in healthcare, movants place a high value on the financial stability of the Medicare program, and on the federal government's ability to manage costs for healthcare services provided to beneficiaries.

II. MOVANTS' BRIEF WILL BE USEFUL TO THE COURT'S CONSIDERATION OF THIS APPEAL.

As experts in healthcare, healthcare finance, and Medicare, movants have valuable insight to inform the Court's consideration of the Motion for Summary Judgment filed by Plaintiffs as well as Defendants' Cross-Motion for Summary Judgment. Movants are uniquely positioned to explain: that ensuring prescription drug price affordability is essential to the financial stability of the Medicare program; that the authority conferred on CMS by the Drug Price Negotiation Program to negotiate drug prices for the Medicare program is consistent with the authority that Congress has given CMS to limit excessive prices of other Medicare services; that this authority is also consistent with that given to other agencies to limit drug prices in other federal government programs; and, finally, that during the past 40 years none of the legal challenges to this federal authority to limit prices for drugs and services paid by federal healthcare programs has succeeded.

III. CONCLUSION

Based on the foregoing, movants respectfully request that the Court grant this motion for leave to file a brief as *amici curiae* in support of Defendants and accept for filing the *amicus curiae* brief submitted contemporaneously with this motion. A proposed order is submitted with this motion.

Date: April 25, 2025

/s/ Clark Richards
Clark Richards
RICHARDS RODRIGUEZ & SKEITH LLP
611 West 15th Street
Austin, TX 78701
(512) 476-0005
crichards@rrsfirm.com

William B. Schultz*
Margaret M. Dotzel*
Alyssa Howard Card*
Zuckerman Spaeder LLP
1800 M Street NW, Suite 1000
Washington, D.C.
(202) 778-1800
wschultz@zuckerman.com

Counsel for Amici Curiae

**pro hac vice application forthcoming*

CERTIFICATE OF SERVICE

I hereby certify that on April 25, 2025, I electronically filed the foregoing with the Clerk of Court using the CM/ECF system, which will send a notice of electronic filing to all counsel of record who have consented to electronic notification.

/s/ Clark Richards
Clark Richards